

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-9 and 14-15 are pending in the present application. Claims 1, 3-4 and 8 are amended; Claims 9-13 are canceled without prejudice or disclaimer; and Claims 14-15 are newly presented by the present amendment. Support for the new and amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

In the Office Action, Claims 3-6 and 8 are rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-8 are rejected under 35 U.S.C. § 103(a) as unpatentable over Abburi et al. (U.S. Pat. 7,203,966, herein Abburi) in view of Hurst et al. (U.S. Pat. 7,149,545, herein Hurst).

The Office Action rejects Claims 3-6 and 8 under 35 U.S.C. § 112, second paragraph, as indefinite. Regarding Claims 3, 4 and 8, these claims are amended to correct the antecedent basis issues noted in the Office Action. However, with respect to the rejection of Claims 4-6 as being directed to a system and method for using said system, Applicants respectfully traverse this rejection.

Claims 4, and 5-6, recite more detailed features performed by the “contents copy certificate supply means” and “customer-related information management means”, respectively. Applicants note that each of Claims 1, and 4-6 recite “means for” features, which are intended to be interpreted under 35 U.S.C. § 112, sixth paragraph. 35 U.S.C. § 112, sixth paragraph, outlines that an element in a claim may be expressed as a “means” for performing a specified function without the recital of structure in support thereof, and such claim shall be construed to cover the corresponding structure described in the specification

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<sup>1</sup> Claim 1 is amended to incorporate the features of Claim 2, and new Claims 14-15 recite features similar to those recited in amended independent Claim 1, but are directed to different statutory embodiments and are drafted to avoid interpretation under 35 U.S.C. § 112, sixth paragraph.

and equivalents thereof. Therefore, each of the features being asserted as method steps in the Office Action are actually functional features performed by each of the “contents copy certificate supply means” and “customer-related information management means”, which properly limit these features. In this regard, Applicants further note MPEP § 2181, which outlines how these features should be construed for examination purposes.

Therefore, Applicants respectfully submit that Claims 3-6 and 8 recite features that particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Accordingly, Applicants respectfully request that the rejection of Claims 3-6 and 8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Office Action rejects Claims 1-8 under 35 U.S.C. § 103(a) as unpatentable over Abburi in view of Hurst. In response to this rejection, Applicants respectfully submit that amended independent Claim 1, and new independent Claims 14-15, recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, is amended to incorporate the features of dependent Claim 2, and recites, in part, a contents distribution system for distributing contents to clients of a user, wherein the user is capable of owning two or more clients, said contents distribution system comprising:

...contents copy certificate supply means for generating a contents copy certificate that ***contains a license for a move destination client***, and supplying the contents copy certificate, which also indicates a contents move from one client of the user to another is legal, to the move source client.

New independent Claims 14 and 15, while directed to alternative embodiments, recite features similar to those noted above. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 14 and 15.

As disclosed in an exemplary embodiment at Fig. 17 and pp. 62-67 of the specification, the server generates a copy certificate that indicates a contents move from the move source client (e.g. client “A”) to the move destination client (e.g., client “B”) is legal,

and which also contains a license for a move destination client (e.g., client “B”). In other words, the distribution server not only authorizes transfer between client devices, but also creates a license for the destination client to which the content is transferred.

In rejecting Claims 1 and 2, the Office Action concedes that Abburi fails to disclose “contents copy certificate supply means for supplying a contents copy certificate, which indicates a contents move from one client to another is legal, to a move source client” and “wherein said contents copy certificate supply means generates a contents certificate that contains a license for a move destination client.” In an attempt to remedy these deficiencies, the Office Action relies on Hurst, and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicants’ claims. Applicants respectfully traverse this rejection, as Hurst fails to teach or suggest the features previously recited in Claim 2 for which it was relied upon as a secondary reference under 35 U.S.C. § 103.

Generally, Hurst describes a system for facilitating over-the-air (OTA) activation of protected content pre-programmed on a memory device that is operable on mobile terminals. In rejecting the features directed to “generating a contents copy certificate that contains a license for a move destination client”, p. 4 of the Office Action relies on col. 8, ll. 39-57 of Hurst. This cited portion of Hurst describes that for a particular piece of content, there is a description 304 of the rights to that content. These rights may include rights such as transfer rights and usage rights. For example, transfer rights may include the right to (or not to) give or sell the content to another user, or to give or sell a preview or other limited use of the content to another user. Transfer rights may also include rules as to whether the content can be copied to another device owned by the user.

Thus, this cited portion of Hurst merely describes that rights may be assigned to a particular piece of content, and that the rights include transfer rules allowing the content to be

copied to another device owned by the user. Hurst, however, fails to teach or suggest generating a rights that contain *a license* for the another device owned by the user to which the data is transferred.

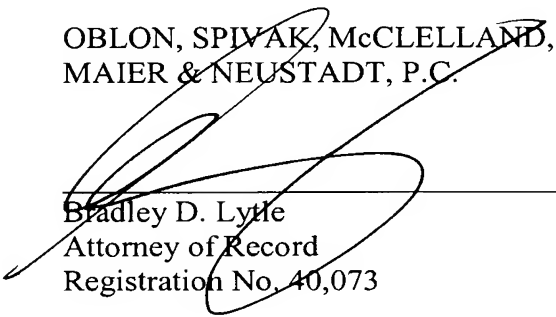
Therefore, Abburi, even if combined with Hurst fails to teach or suggest a contents distribution system that includes “contents copy certificate supply means for generating a contents copy certificate that *contains a license for a move destination client*, and supplying the contents copy certificate, which also indicates a contents move from one client of the user to an other is legal, to the move source client,” as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claims 3-8, which depend therefrom) under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that new independent Claims 14 and 15 patentably define over Abburi and Hurst.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3-8 and 14-15 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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